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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,666	10/07/2003	Craig D. Landfair	10053-HAMPTON	5423
36211	7590	07/05/2005	EXAMINER	
LAW OFFICES OF KAMRAN FATTAHI 6345 BALBOA BLVD, SUITE 330 (BLDG. 2) ENCINO, CA 91316			HWANG, VICTOR KENNY	
			ART UNIT	PAPER NUMBER
			3764	

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/680,666

Applicant(s)

LANDFAIR, CRAIG D.

Examiner

Victor K. Hwang

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by *Bowman et al.* (US Pat. Pub. 2003/0232704 A1). *Bowman et al.* discloses a weight plate comprising a front face having a conical protrusion and a rear face having a conical recess and a radial central hole. Adjacent weight plates 3 mate with one another such that the conical protrusion of a first weight plate is received by the conical recess of an adjacent second plate. The conical recess of an outer weight plate houses a mounting mechanism 9 for use with an inertial force exercise device 4.
3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by *Largiader* (un-numbered Swiss patent from 11/1888). *Largiader* discloses a stackable weight plate *B* (left side of Fig. 3) comprising a front face having a conical protrusion and a rear face having a conical recess and a radial central hole. Adjacent weight plates *B* mate with one another such that the conical protrusion of a first weight plate is received by the conical recess of an adjacent

second plate. The conical recess of an outer weight plate houses a mounting mechanism *C* for use with an inertial force exercise device.

4. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by *GB 9727* (May 1893). *GB 9727* discloses an inertial force exercise device (Figs. 1 and 2) comprising at least one weight plate *H* (right side of drawings) having a front lateral face with a protrusion proximal to a radial center of the at least one plate; a rear lateral face with a recess proximal to a radial center of the at least one weight plate; and a radial center hole. The rear lateral face with the recess proximal to the radial center of the at least one weight plate houses a mounting mechanism comprising of at least one washer *K,L* and additional fastener *I*. Note that the structure between the nut *I* and the weight plate *H* can be considered washers and/or fasteners.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Calvert (US Pat. 907,965), *Burr* (US Pat. 937,225), *Steggert* (US Pat. 5,158,517), *Dalebout et al.* (US Pat. Pub. 2005/0079961 A1), *Veal* (GB 18,336) and German publication dated 12-1983-Ellipsen-Hantel-fur Mannerfauste massgeschneidert! disclose weight plates having front and rear faces with mating protrusions and recesses.

Kestila (US Pat. 6,336,894 B1) discloses the use of bolts and washers to secure weight plates to a handle.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.

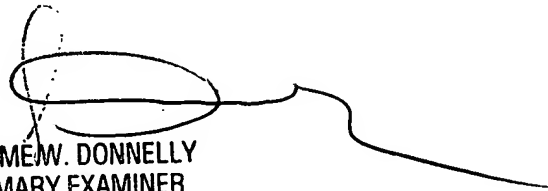
The facsimile number for submitting papers directly to the examiner for informal correspondence is (571) 273-4976. The facsimile number for submitting all formal correspondence at this time is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on (571) 272-4887.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor K. Hwang
June 24, 2005



JEROME W. DONNELLY
PRIMARY EXAMINER